

**In the United States Bankruptcy Court  
for the  
Southern District of Georgia  
Savannah Division**

In the matter of:

DONALD H. BAILEY  
(Chapter 11 Case Number 07-41381)

*Debtor*

DONALD H. BAILEY

*Plaintiff*

v.

HAKO-MED USA, INC.  
AND  
KAI HANSJURGENS

*Defendants*

**FILED**

Samuel L. Kay, Clerk  
United States Bankruptcy Court  
Savannah, Georgia  
By lbarnard at 4:02 pm, Jul 29, 2011

Adversary Proceeding  
Number 09-4002

**ORDER ON MOTION TO COMPEL**

The facts of the underlying case are discussed in more detail in Bailey v. Hako-Med USA, Inc., Case No. 09-4002 (May 26, 2011) (Davis, J.). However, this Order makes a summary recitation of the salient facts.

Debtor has filed Motions To Compel Defendants to answer discovery requests pursuant to Federal Rule of Civil Procedure 37(a)(3)(B), made applicable to

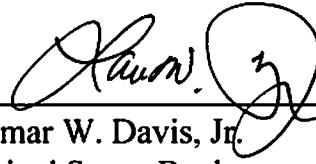
Adversary Proceedings by Federal Rule of Bankruptcy Procedure 7037. Motions, Dckt. Nos. 173, 174 (June 6, 2011). Prior to the filing of those Motions, Debtor had moved this Court to hold Defendants in contempt for their failure to provide complete and truthful discovery responses. Motion, Dckt. No. 149 (Apr. 29, 2011).

This Court has ordered Defendants to produce discovery answers on multiple occasions. Defendants have not complied with those Orders. For that reason, this Court will enter—immediately following the entry of this Order—a recommendation that the United States District Court for the Southern District of Georgia withdraw the reference in this case, find Hansjurgens in contempt of court, and imprison him until such time as he provides complete and truthful discovery responses. That recommendation details Defendants' willful disregard of orders of this Court.

Because Defendants continue to disregard orders of this Court which require complete and truthful discovery responses (a continuing obligation), it is the ORDER OF THIS COURT that the Motions to Compel are GRANTED. Defendants are again ORDERED to provide complete and truthful discovery responses to Debtor's outstanding interrogatories and requests for documents, as requested in docket numbers 173 and 174.

Defendants are reminded that compliance with this Order may prevent or mitigate any imprisonment ordered by the United States District Court for the Southern

District of Georgia.



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Lamar W. Davis, Jr.  
United States Bankruptcy Judge

Dated at Savannah, Georgia

This 22<sup>nd</sup> day of July, 2011.